

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE BILL NO. 19**

As Agreed to April 4, 2024

**Brief\***

SB 19, as amended, would establish the Kansas National Guard Education Master's for Enhanced Readiness and Global Excellence (EMERGE) Program to provide financial assistance to Kansas National Guard members pursuing master's degrees at a Kansas educational institution and require school districts to adopt cardiac emergency response plans based on the statewide standards developed by the Secretary of Health and Environment.

***EMERGE Program (New Sections 1–6)***

*National Guard Member Selection*

The bill would require, on or before July 1 of each academic year, the Adjutant General to select up to 100 eligible National Guard members who have applied to the EMERGE Program to receive assistance. The bill would cap the number of eligible National Guard members in the program at 200 members in any one school year.

*Financial Assistance*

The bill would, subject to appropriations, provide eligible National Guard members who are enrolled at a Kansas educational institution and participating in the program to receive financial assistance for tuition and fees each semester. The bill would provide participants with financial assistance in an amount equal to the tuition and required fees for the semester, with the following requirements and adjustments:

- The number of credit hours may not exceed 15.0 credit hours in one semester;
- The aggregate amount of credit hours taken by a participant may not exceed 150.0 percent of the total credit hours needed for the master's degree;
- The course is not being repeated or taken in excess of the master's degree program requirements;

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kIRD>

- The tuition and required fees do not exceed the maximum rate that would be charged by a state educational institution for enrollment of the eligible National Guard member; and
- The amounts of federal or institution tuition assistance received by the eligible National Guard member shall be deducted from that participant's state benefits.

### *Participation Requirements*

The bill would require National Guard members participating in the program to agree, in writing, to complete the member's current service obligation and to serve actively and in good standing for no less than 48 months following the completion of the program. The bill would also require participating members to submit the Free Application for Federal Student Aid (FAFSA) and apply for any other federal tuition assistance available.

Each participating National Guard member would be required to remain in good standing at their Kansas educational institution, make satisfactory progress toward completion of the requirements of their degree, and maintain a grade point average of no less than 2.75 in order to continue their participation in the program.

### *Clawbacks*

The bill would require any participating National Guard member who received benefits under the program but failed to meet the requirement of continued service to repay to the State an amount of money determined in the following manner:

- Determine the total amount of assistance paid to such member under the program;
- Divide the amount determined by 48; and
- Multiply the amount determined by the number of months such member did not serve as required by the bill.

The bill would require all repayments made in this manner to be deposited in the State Treasury and credited to the Kansas National Guard EMERGE Repayment Fund (Fund).

### *Kansas Board of Regents*

The bill would require the State Board of Regents to administer the program and carry out the following activities:

- Establish a mechanism to ensure distribution of funds for tuition and fee reimbursement to Kansas educational institutions;
- Enter into a cooperative relationship with the Adjutant General to ensure efficient operation of the program;

- Develop and effectuate a system of accountability for all disbursements of funds and provide written reports as required; and
- Coordinate with the Adjutant General to create a procedure to ensure initial and ongoing eligibility of participating National Guard members in the program.

The bill would authorize the State Board of Regents to establish rules and regulations to assist in administering the program.

### *Definitions*

The bill would define, among others, the following terms:

- “Educational Program” would mean a master’s degree program offered or maintained by a Kansas educational institution that leads to the award of a master’s degree to an eligible guard member upon satisfactory completion of course work;
- “Eligible guard member” would mean any member of the Kansas National Guard who has been accepted into an eligible master’s degree program and who is not under a suspension of favorable flag action or on the unit unfavorable information file; and
- “Kansas educational institution” would mean a state educational institution as defined by law, Washburn University, or an accredited independent institution as defined by law.

### *Establishment of Fund*

The bill would establish the Fund in the State Treasury. The Fund would be administered by the State Board of Regents, and all expenditures from the Fund would be required to be for National Guard member financial assistance under the program.

### ***Cardiac Emergency Response Plans (New Section 7)***

#### *Statewide Standards*

The bill would require the Secretary of Health and Environment (Secretary) to develop statewide standards for cardiac emergency response plans in accordance with nationally recognized guidelines.

#### *School District Cardiac Emergency Response Plans*

The bill would require the board of education of each school district to adopt a comprehensive cardiac emergency response plan based on the statewide standards developed by the Secretary. Each board of education would be permitted to use any materials, documentation, video recordings, training modules, and certifications published by organizations focused on emergency cardiovascular care.

The bill would require a cardiac emergency response plan to include at least the following:

- Establishing a cardiac emergency response team;
- Identifying and implementing the placement of automated external defibrillators (AEDs);
- Identifying roles and responsibilities of school district and emergency personnel in implementing the emergency response plan;
- Establishing procedures, such as the roles and responsibilities of school district personnel when responding to emergency cardiovascular incidents at school or at the site of any school-sponsored activity, that would include, but not be limited to:
  - Responding to individuals experiencing a suspected sudden cardiac arrest;
  - Summoning emergency medical services (EMS);
  - Assisting EMS providers; and
  - Documenting actions taken during such incident;
- Conducting routine maintenance and placement of AEDs in accordance with statewide standards;
- Rehearsing cardiac emergency response plans either prior to the beginning of each athletic season or prior to the beginning of each school year;
- Establishing communication systems with local EMS operating within the school district; and
- Developing a cardiac emergency response plan for school-sponsored events held at a location that is not on school district property.

#### *Reviewing and Submitting Cardiac Emergency Response Plans*

Each board of education would be required to annually review the cardiac emergency response plan and adopt any changes to such plan as necessary. Additionally, each school district would be required to submit a copy of the adopted cardiac emergency response plan and, if changes are made to such plan, a copy of the amended plan to the Secretary.

#### **Conference Committee Action**

The Conference Committee agreed to remove the contents of SB 19, insert the provisions of HB 2567, as amended by the House Committee on Education, establishing the EMERGE Program, and insert the provisions of section 1 of Sub. for HB 2494, as amended by the House Committee of the Whole, regarding cardiac emergency plans.

## Background

The Conference Committee removed the contents of SB 19, inserted provisions of HB 2567, as amended by the House Committee on Education, establishing the EMERGE Program, and inserted the provisions of section 1 of Sub. for HB 2494, as amended by the House Committee of the Whole, pertaining to cardiac emergency response plans.

[*Note:* The original contents of SB 19 (via HB 2096, a companion bill), which pertained to premium taxes paid by municipal group-funded liability pools and group-funded workers' compensation pools, were included in the Conference Committee Report for HB 2093 (2023 law).]

### ***HB 2567 (EMERGE Program)***

The bill was introduced by Representative Turk and 47 other members of the House of Representatives.

#### *House Committee on Education*

In the House Committee hearing, **proponent** testimony was provided by Representatives B. Carpenter and Turk, as well as representatives of the State Board of Regents and the National Guard Association of Kansas. The conferees generally stated the need for the program to function as a recruitment and retention tool for the Kansas National Guard while also ensuring guard members were able to receive the advanced education they needed for promotion.

Written-only proponent testimony was provided by the Enlisted Association of the National Guard of Kansas and Kansas Independent College Association.

Neutral testimony was provided by a representative of the Office of the Adjutant General.

No other testimony was provided.

The Committee made the following amendments to the bill:

- Included Washburn University in the definition of a "Kansas educational institution";
- Changed the requirement for the State Board of Regents to promulgate rules and regulations for the EMERGE Program from "shall" to "may";
- Clarified that both federal and institutional tuition assistance would be deducted from a participating member's state benefits;
- Shortened the length of service following completion of a master's program from 72 to 48 months;
- Removed requirements for participating members to obtain a certificate of satisfactory participation for their commanding officer to provide to the participant's educational institution; and

- Modified the clawback calculations to reflect the reduced service time following completion of a master's program.

[*Note:* The Conference Committee retained all above-described amendments made by the House Committee on Education.]

***Sub. for HB 2494 (Cardiac Emergency Response Plans)***

The bill was introduced in the House Committee on Education at the request of Representative Thomas.

*House Committee on Education*

In the House Committee hearing, **proponent** testimony was provided by Senator Warren, representatives of the American Heart Association and Children's Mercy, and four private citizens. Proponents emphasized the importance of having cardiac emergency response plans and AEDs available at schools and school-sponsored events.

Written-only proponent testimony was provided by the Kansas EMS Association.

Neutral testimony was provided by representatives of the Kansas Association of School Boards (KASB), Kansas National Education Association (KNEA), State Board of Education, and United School Administrators of Kansas (USA Kansas). The conferees generally stated concerns about the provisions related to safe and secure schools and requiring the Kansas State Board of Education to develop statewide standards for cardiac emergency response plans.

Written-only neutral testimony was provided by a representative of the Kansas State High School Activities Association.

No other testimony was provided.

The House Committee amended the bill to:

- Remove provisions pertaining to school safety and security plans and the School Safety and Security Grant Fund;
- Require the Secretary to develop statewide standards for cardiac emergency response plans and review each school district's plan [*Note:* The bill, as introduced, would have required the State Board of Education to develop statewide standards.];
- Clarify requirements related to each school district's development and implementation of cardiac emergency response plans; and
- Exempt from liability for any damages any person who in good faith renders emergency care or treatment or provides training in accordance with the provisions of the bill.

The House Committee recommended a substitute bill to incorporate the amendments.

[*Note:* The Conference Committee retained the above-described amendments, except for the amendment exempting from liability for any damages any person who in good faith renders emergency care or treatment or provides training in accordance with the provisions of the bill.]

#### *House Committee of the Whole*

The House Committee of the Whole amended the bill to:

- Modify the requirements pertaining to the frequency at which CPR and AED training must be conducted, reviewed, and modified;
- Require at least one individual with CPR and AED training to be physically present in the school district building and have access to an AED and first-aid supplies when any school-sponsored athletic practice or competition or other school-sponsored activity occurs in such school district building; and
- Require notice to be provided to the coach, sponsor, or other coordinator of such practice, competition, or other activity as required by the cardiac emergency response plan that an individual with CPR and AED training is present in the building.

[*Note:* The Conference Committee did not retain the amendments because the amendments did not pertain to the provisions included in the conference committee report.]

#### *Senate Committee on Education*

In the Senate Committee hearing, **proponent** testimony was provided by Senator Warren; representatives of the Kansas Department of Health and Environment, American Heart Association, Children's Mercy, KASB, KNEA, and USA Kansas; and four private citizens. Proponent testimony was substantially similar to that provided during the House Committee hearing.

Written-only proponent testimony was provided by representatives of the Kansas EMS Association, Kansas Chapter of the American Academy of Pediatrics, and State Board of Education and a private citizen.

No other testimony was provided.

### **Fiscal Information**

#### ***HB 2567 (EMERGE Program)***

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the State Board of Regents estimates the aggregate cost of tuition and fees in FY 2025 for 100 participants to be \$1.1 million, with costs in subsequent years of \$2.2 million for 200 participants.

The Adjutant General's Department stated the bill would not have a fiscal effect on the agency.

Any fiscal effect associated with the bill is not reflected in *The FY 2025 Governor's Budget*.

***Sub. for HB 2494 (Cardiac Emergency Response Plans)***

A revised fiscal note on the substitute bill was not available at the time of House Committee action. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

Education; postsecondary education; military; State Board of Regents; EMERGE Program; school cardiac emergency response grant program; AED; CPR

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